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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/041,987 | 01/09/2002 | Vicky Louise Grody | | 3849 |

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EXAMINER

PECHHOLD, ALEXANDRA K

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| ART UNIT | PAPER NUMBER |
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3671

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,987

Applicant(s)

GRODY, VICKY LOUISE

Examiner

Alexandra K Pechhold

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamp'l et al (US 4,517,698) in view of Lee (US 6,079,941) and Skibinski (US 4,922,560).**

Regarding claim 1, Lamp'l discloses a portable rail ramp system comprising:

- an inclined ramp seen as walkway (45), having a top, four sides, and is independent of an article of equipment or furniture,
- an actuating caster assembly seen as the wheels in Fig. 3,
- upright support structures seen as handrail structure (33).

Lamp'l fails to disclose the ramp having eight rail sleeves, and the caster assembly supported by a plate and including a movable member that extends and retracts along a vertical axis, and the upright support structures being removable and reversible from the rail sleeves.

Lee teaches a ramp having caster wheels and a plate (see Figs. 3 and 4) and a movable member seen as lever arm (12) which extends and retracts along a vertical axis (see Col 8, lines 27-33 describing how a person's foot pushes lever arm (21) down

and out of the detent as shown in Fig. 3A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the caster wheel assembly of Lamp'l to include the a plate and movable member that extends and retracts along a vertical axis as taught by Lee, since Lee states in column 2, lines 1-16 that such a mechanism provides an effective means, easy operable by a user's foot, to lock and unlock the caster wheels.

Skibinski teaches a ramp having handrails with sleeves seen as cylindrically shaped bracket members (20, 22) which traps a portion, (24, 26) respectively, of the handles rotatably in relation to the platform. Skibinski teaches a removable connection by disclosing spring pins (28) receivable into apertures (30) provided on the bracket members for holding the handles in a generally perpendicular orientation relative to the platform (10) (Col 2, lines 52-61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the portable ramp system of Lamp'l to include eight rail sleeves, and wherein the upright support structures are removable and reversible as taught by Skibinski, since the sleeve connection allows for portability and removability as Skibinski demonstrates, and also, regarding the eight sleeves, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 2, Skibinski teaches horizontal structures, instead of vertical structures, formed of tubing, seen as the brackets (20, 22) for the handles, which would allow for internal access therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the portable ramp system of

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Lamp'l having the brackets of Skibinski so that the brackets are vertical structures, as opposed to horizontal, since the orientation would not alter their function and purpose as providing holders for removable handles.

Regarding claim 3, the ramp of Lamp'l does not have to abut or be attached to an article of equipment or furniture to prevent slippage.

Regarding claim 4, the ramp of Lamp'l can accommodate two person in cooperation with an article of equipment or furniture judging by its size in the figures, and the inclined ramp comprises a non-skid surface, disclosed by Lamp'l in column 2, lines 14-15 that walkway (45) is preferably covered with a friction surface as illustrated.

Regarding claim 5, Lamp'l illustrates horizontal elements and vertical elements as part of the hand rails (33). First elements can be viewed on one side of the ramp, whereas the second elements can be viewed as being on the other side of the ramp.

Regarding claim 6, Lamp'l fails to disclose the caster assembly as comprising a vertically displacing straight line action clamp and ball bearing swivel casters. Lee illustrates in Figs. 3, 3A, and 4 swivel latching member (25) which can be viewed as a straight line action clamp with ball bearing swivel casters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the caster wheels of Lamp'l to include a vertically displacing straight line action clamp and ball bearing swivel casters as taught by Lee, since these features aid in facilitating since a mechanism that provides an effective means, easy operable by a user's foot, to lock and unlock the caster wheels (column 2, lines 1-16).

Allowable Subject Matter

3. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

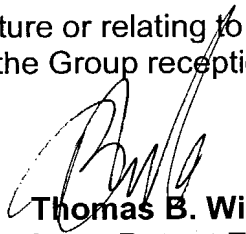
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
5/20/04